

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed June 9, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **Claim Rejections - 35 U.S.C. § 102(e)**

Claims 1-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Zhu, et al. ("Zhu," U.S. Pat. No. 6,345,274). Applicant respectfully traverses this rejection.

Given that each of the remaining original claims has been amended through this Response, Applicant respectfully submits that the rejection is moot as having been applied to the claims in their original form. Regardless, Applicant comments on the applicability of the Zhu reference under 35 U.S.C. § 102 in the following for the Examiner's consideration.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of *each element* of the claim under consideration." W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e). In the present case, several features of the claimed inventions are not represented in the Zhu reference.

Zhu discloses a method and program for subjective image content similarity-based retrieval. As is described by Zhu, the Zhu system consists of three functional phases: (i) an image registration phase, (ii) a user preference understanding phase, and (iii) a preference-based image retrieval phase. Zhu, column 5, lines 8-10.

In the image registration phase, a set of feature extraction techniques is applied to an image to be stored to extract all of the relevant information, or metadata, needed for representing the image. Zhu, column 5, lines 12-17. The image and its associated representations are then stored in a database. Zhu, column 5, lines 58-61.

In the user preference understanding phase, user preferences are automatically extracted for desired images via user interactions. Zhu, column 6, lines 4-6. In a query-based option, an image is first selected by the user as a query image. Next, images similar to the query image are retrieved using default preferences by using a representation-based similarity measure to identify and retrieve images that are similar to the query image. Zhu, column 6, lines 8-18.

If the user preference understanding phase provides a candidate set of images that does not meet the user's preference for desired images, the process continues with the preference-based image retrieval phase. Zhu, column 7, lines 57-61. In this phase, user provided examples and counterexamples are processed in conjunction with the saved candidate set to automatically infer user preferences for the desired response. Zhu, column 7, lines 61-64. In this process, the examples and counterexamples are used to identify representation components that are used to derive the representations of desired images. Zhu, column 7, line 67 to column 8, line 9.

As can be appreciated from the above, the Zhu system at no point presents a user with explicit questions that are intended to elicit explicit responses that are used to retrieve images for the user.

Turning to Applicant's claimed inventions, Applicant claims methods and systems that facilitate retrieval of stored images. For example, claim 1 recites a method as follows:

1. A method for facilitating image retrieval, comprising:  
querying a user as to at least one attribute of an image the user  
wishes to retrieve *by posing a series of explicit questions to the user*;  
receiving explicit user responses to the posed questions; and  
presenting at least one image to the user based upon the user  
responses.

Zhu neither teaches nor suggests querying a user as to at least one attribute of an image the user wishes to retrieve by “posing a series of explicit questions to the user” as is required by claim 1. Applicant notes that similar recitations are contained in independent claims 11 and 16.

On this point, the Office Action states:

Zhu implicitly discloses posing a series of questions to the user and receiving separate responses to each posed question (Zhu Figure 7). At element S310 of Figure 7 in the Zhu disclosure, the user select a desired image from a set of possible images (col. 6 lines 8-14). Although Zhu does not explicitly state this is a question posed to the user, this type of option in a system is implicitly asking the question “which of these images most closely represents your desired image?” The user then implicitly answers this question by selecting the query image.

With all due respect to the Examiner, the above-described operation of the Zhu system clearly fails to anticipate Applicant’s explicit claim recitations. Applicant’s original claims explicitly required posing questions to the user (see, e.g., claim 2). Permitting a user to select images simply does not equate to posing questions to the user, either implicitly or explicitly.

Applicant has amended the claims to require that “explicit questions” are actually posed to the user to underscore the distinction between Zhu’s allowing the user

to select images and Applicant's claimed question posing. Applicant respectfully submits that Zhu's system cannot reasonably be interpreted as posing "explicit questions" to a user. In view of at least this fact, Applicant respectfully submits that Applicant's claims are not anticipated by the Zhu reference.

As a further point, Applicant respectfully submits that Applicant's claims are not obvious in view of the Zhu disclosure. Specifically, permitting a user to select images does not render obvious posing explicit questions about attributes of images that the user is seeking. Furthermore, none of the art of record appears to provide a teaching that would render such posing of explicit questions obvious.

In view of the above, Applicant respectfully asserts that Zhu neither anticipates nor renders obvious Applicant's claims. Therefore, Applicant respectfully requests that the rejection of Applicant's claims under the Zhu reference be withdrawn.

#### **Canceled Claims**

As identified above, claim 2 has been canceled from the application through this response without prejudice, waiver, or disclaimer. Applicant reserves the right to present this canceled claim, or variants thereof, in continuing applications to be filed subsequently.

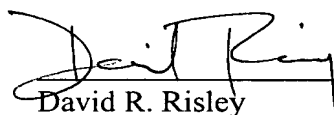
#### **New Claims**

As identified above, claims 21-27 have been added into the application through this response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the art of record and, therefore, respectfully requests that these claims be held to be allowable.

### CONCLUSION

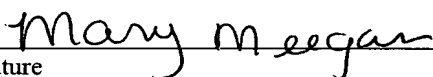
Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

9-2-04

  
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Signature